IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

FRIDAY, THE 16TH NOVEMBER 2007 / 25TH KARTHIKA 1929

Mat.Appeal.No. 630 of 2007()

(O.P.735/06 OF FAMILY COURT, MALAPPURAM)

PETITIONER:

SUBAIR, 37 YEARS, S/O.CHINGORE BEERAN
KOYA. WEST SIDE OF CHALIYAM LIGHT HOUSE,
THAIKKADAPPURAM, CHALIYAM P.O.

BY ADV. SRI.K.K.MOHAMED RAVUF

RESPONDENTS:
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1. PAREECHANTE PURAKKAL FATHIMA 33 YEARS,
D/O.AJJUTTY, ANANGADI BEACH, VALLIKKUNNU P.O.
676 314.

2. SUFAIRA MOL, D/O.SUBAIR, 10 YEARS(MINOR)
REPRESENTED BY MOTHER 1ST RESPONDENT -DO-.

3. SUNEER, S/O.SUBAIR, 6 YEARS (MINOR)
REPRESENTED BY MOTHER IST RESPONDENT, -DO-.

THIS MATRIMONIAL APPEAL HAVING COME UP FOR ADMISSION ON 16/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

Mat.Appeal No.630 of 2007

Dated 16th November, 2007.

J U D G M E N T

Kurian Joseph, J.

All that the appellant is worried and aggrieved is that the amounts already paid to the respondents towards maintenance have not been taken into consideration by the Family Court, while passing the order under appeal dated 9.4.2007, in O.P.No.735/06. On a perusal of the order also, we find that there is no reference to the contention of the appellant. If as a matter of fact, the appellant has paid any amounts, for the period of 36 months now ordered to be paid, the appellant is entitled to have the said amounts set off against the claim for past maintenance. Since it is only a matter for verification, it is for the appellant to move the Family Court itself, in which case, the Family Court will consider the grievance of the appellant on merits. The judgment under appeal shall not stand in the way of the

Family Court conducting an enquiry on the request of the appellant with regard to the above grievance.

The Mat.Appeal is disposed of as above.

KURIAN JOSEPH, JUDGE.

HARUN-UL-RASHID, JUDGE.

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KURIAN JOSEPH &

HARUN-UL-RASHID, JJ

Mat.Appeal No.630 of 2007

J U D G M E N T

Dated 16th November, 2007.